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Measures to eliminate international terrorism

Security Council
Sixtieth year

Letter dated 11 April 2005 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

The International Summit on Democracy, Terrorism and Security, held at Madrid from 8 to 11 March 2005, and organized by the Madrid Club with support from Spanish official bodies and considerable foreign support, was a forum for commemorating the victims of terrorism throughout the world and discussing practical strategies, promoting learning based on the sharing of information, and formulating a counter-terrorism plan of action with proposals for the future. The significance of the Summit was underlined by the presence of many Heads of State and Government, as well as ministers, leaders of international organizations, researchers, experts and representatives of civil society.

As a result of the Summit, the Madrid Club, as an institution in which former Heads of democratic States and Governments work together in collaboration with other organizations and Governments which share their goal of promoting democracy, has presented to the international community a valuable plan of action contained in the Madrid Agenda, the English- and Spanish-language versions of which are annexed to this letter. The Madrid Agenda and the highly important statement made by the Secretary-General at the Summit, on the subject of the comprehensive United Nations strategy against international terrorism, are currently two major points of reference in the fight against the menace of terrorism from a worldwide perspective.

Although the Madrid Agenda is obviously binding only upon the members of the Madrid Club, it nonetheless constitutes a point of reference which will, we hope, prove very useful for the Member States of the Organization. For that reason, and for information purposes, I should be grateful if you would have this letter and its annexes circulated as documents of the General Assembly, under agenda item 148, and of the Security Council.

(*Signed*) Juan Antonio **Yáñez-Barnuevo**

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Annex to the letter dated 11 April 2005 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

International Summit on Democracy, Terrorism and Security
Madrid, 8-11 March 2005

The Madrid Agenda

To remember and honour the victims of the terrorist attacks of March 11, 2004, the strength and courage of the citizens of Madrid, and through them, all victims of terrorism and those who confront its threat.

We, the members of the Club of Madrid, former presidents and prime ministers of democratic countries dedicated to the promotion of democracy, have brought together political leaders, experts and citizens from across the world.

We listened to many voices. We acknowledged the widespread fear and uncertainty generated by terrorism. Our principles and policy recommendations address these fundamental concerns.

Ours is a call to action for leaders everywhere. An agenda for action for Governments, institutions, civil society, the media and individuals. A global democratic response to the global threat of terrorism.

The Madrid Principles

Terrorism is a crime against all humanity. It endangers the lives of innocent people. It creates a climate of hate and fear, it fuels global divisions along ethnic and religious lines. Terrorism constitutes one of the most serious violations of peace, international law and the values of human dignity.

Terrorism is an attack on democracy and human rights. No cause justifies the targeting of civilians and non-combatants through intimidation and deadly acts of violence.

We firmly reject any ideology that guides the actions of terrorists. We decisively condemn their methods. Our vision is based on a common set of universal values and principles. Freedom and human dignity. Protection and empowerment of citizens. Building and strengthening of democracy at all levels. Promotion of peace and justice.

A Comprehensive Response

We owe it to the victims to bring the terrorists to justice. Law enforcement agencies need the powers required, yet they must never sacrifice the principles they are dedicated to defend. Measures to counter terrorism should fully respect international standards of human rights and the rule of law.

In the fight against terrorism, forceful measures are necessary. Military action, when needed, must always be coordinated with law enforcement and judicial measures as well as political, diplomatic, economic and social responses.

We call upon every State to exercise its right and fulfill its duty to protect its citizens. Governments, individually and collectively, should prevent and combat terrorist acts. International institutions, governments and civil society should also address the underlying risk factors that provide terrorists with support and recruits.

International Cooperation

Terrorism is now a global threat. We saw it not only in Madrid, New York and Washington, but also in Dar-es-Salaam, Nairobi, Tel Aviv, Bali, Riyadh, Casablanca, Baghdad, Bombay, and Beslan. It calls for a global response. Governments and civil society must reignite their efforts at promoting international engagement, cooperation and dialogue.

International legitimacy is a moral and practical imperative. A multilateral approach is indispensable. International institutions, especially the United Nations, must be strengthened. We must renew our efforts to make these institutions more transparent, democratic and effective in combating the threat.

Narrow national mindsets are counterproductive. Legal institutions, law enforcement and intelligence agencies must cooperate and exchange pertinent information across national boundaries.

Citizens and Democracy

Only freedom and democracy can ultimately defeat terrorism. No other system of government can claim more legitimacy, and through no other system can political grievances be addressed more effectively.

Citizens promote and defend democracy. We must support the growth of democratic movements in every nation, and reaffirm our commitment to solidarity, inclusiveness and respect for cultural diversity.

Citizens are actors, not spectators. They embody the principles and values of democracy. A vibrant civil society plays a strategic role in protecting local communities, countering extremist ideologies and dealing with political violence.

A Call to Action

An aggression on any nation is an aggression on all nations. An injury to one human being is an injury to all humanity. Indifference cannot be countenanced. We call on each and everyone. On all States, all organizations – national and international. On all citizens.

Drawing on the deliberations of political leaders, experts and citizens, we have identified the following recommendations for action, which we believe should be extended, reviewed, and implemented as part of an ongoing, dynamic process.

The Madrid Recommendations

Political and philosophical differences about the nature of terrorism must not be used as an excuse for inaction. We support the Global Strategy for Fighting Terrorism announced by the Secretary General of the United Nations at the Madrid Summit on March 10. We urgently call for:

- the adoption of the definition proposed by the United Nations High-Level Panel on Threats, Challenges and Change in December 2004.
- the ratification and implementation of all terrorism-related conventions by those states which have not yet done so.
- the speedy conclusion of the Comprehensive Convention on International Terrorism.

And we believe it is a moral and practical necessity to address the needs of terrorist victims. We therefore recommend:

- the exploration of the possibility of creating high commissioners for victims both at the international and the national level, who will represent the victims' right to know the truth, as well as obtain justice, adequate redress and integral reparation.

International Co-operation

The basis for effective co-operation across national borders is trust and respect for the rule of law. Trust is built through shared norms, reciprocity and the practical experience of effective collaboration. To encourage this sense of mutual confidence, we propose:

- the establishment of regular, informal forums for law enforcement and intelligence officials, which may grow from bilateral consultations into a formalised structure for multilateral co-operation.
- the strengthening of regional organisations, so that measures to combat terrorism are tailored to local needs and benefit from local knowledge and networks.

- the effective co-ordination of these mechanisms at the global level.

International collaboration in the fight against terrorism is also a question of human and financial capital. We call for:

- the establishment of an international mechanism – including states, non-governmental organisations and the private sector – to help link states that are in need of resources with those that can provide assistance.

- the creation of a trust fund for the purpose of assisting governments that lack the financial resources to implement their obligations, as proposed by the United Nations High-Level Panel.

Underlying Risk Factors

Terrorism thrives on intimidation, fear and hatred. While authorities have a responsibility to ensure freedom, including religious freedom, leaders, including religious leaders, in turn have a responsibility not to abuse that freedom by encouraging or justifying hatred, fanaticism or religious war. We propose:

- the systematic promotion of cultural and religious dialogue through local encounters, round tables and international exchange programmes.

- that authorities and the mass media continuously review their use of language to ensure it does not unwittingly or disproportionately reinforce the terrorist objective of intimidation, fear and hatred.

- the creation of programmes, national and international, to monitor the expression of racism, ethnic confrontation and religious extremism, their impact in the media, as well as to review school textbooks for their stance on cultural and religious tolerance.

While poverty is not a direct cause of terrorism, economic and social policy can help mitigate exclusion and the impact of rapid socioeconomic change, which give rise to grievances that are often exploited by terrorists. We recommend:

- the adoption of long-term trade, aid and investment policies that help empower marginalised groups and promote participation.

- new efforts to reduce structural inequalities within societies by eliminating group discrimination.

- the launch of programmes aimed at promoting women's education, employment and empowerment.

- the implementation of the Millennium Development Goals by 2015.

Terrorists prosper in societies where there are unresolved conflicts and few accountable mechanisms for addressing political grievances. We call for:

- new initiatives at mediation and peace-making for societies which are marked by conflict and division, because democracy and peace go hand in hand.

- a redoubling of efforts to promote and strengthen democratic institutions and transparency within countries and at the global level. Initiatives such as the Community of Democracies may contribute to these goals.

Confronting Terrorism

Democratic principles and values are essential tools in the fight against terrorism. Any successful strategy for dealing with terrorism requires terrorists to be isolated. Consequently, the preference must be to treat terrorism as

criminal acts to be handled through existing systems of law enforcement and with full respect for human rights and the rule of law. We recommend:

- taking effective measures to make impunity impossible either for acts of terrorism or for the abuse of human rights in counter-terrorism measures.
- the incorporation of human rights laws in all anti-terrorism programmes and policies of national governments as well as international bodies.
- The implementation of the proposal to create a special rapporteur who would report to the United Nations Commission on Human Rights on the compatibility of counter-terrorism measures with human rights law, as endorsed by the United Nations Secretary General in Madrid.
- the inclusion and integration of minority and diaspora communities in all our societies.
- the building of democratic political institutions across the world embodying these same principles.

In the fight against terrorism, any information about attacks on another state must be treated like information relating to attacks on one's own state. In order to facilitate the sharing of intelligence across borders, we propose:

- the overhaul of classification rules that hinder the rapid exchange of information.
- the clarification of conditions under which information will be shared with other states on the basis of availability.
- the use of state of the art technology to create regional and global anti-terrorism data bases.

The principle of international solidarity and co-operation must also apply to defensive measures. We recommend:

- the creation of cross-border preparedness programmes in which governments and private business participate in building shared stockpiles of pharmaceuticals and vaccines, as well as the seamless co-operation of emergency services.

Solidarity must be enhanced by new efforts at co-ordinating the existing instruments of anti-terrorist collaboration. We propose:

- the streamlining and harmonisation of national and international tools in the fight against terrorism.
- the creation of clear guidelines on the role of the armed forces in relation to other agencies of law enforcement at the national level.
- the drawing up of national plans to co-ordinate responsibilities in the fight against terrorism, allowing for agencies or organisations with special skills to contribute to a comprehensive effort.

The threat from terrorism has made efforts to limit the proliferation of weapons of mass destruction even more urgent. We call for:

- the United Nations Security Council to initiate on-site investigations where it is believed that a state is supporting terrorist networks, and if necessary to use the full range of measures under Chapter VII of the United Nations Charter.
- the conclusion of the International Convention for the Suppression of Acts of Nuclear Terrorism, and the strengthening and implementation of the biological weapons convention.

- the continuation of innovative global efforts to reduce the threat from weapons of mass destruction, such as the Global Threat Reduction Initiative and the Global Partnerships.

Terrorists must be deprived of the financial resources necessary to conduct their campaigns. To curb terrorist funding networks, we recommend:

- increased and co-ordinated law enforcement and political and civic education campaigns aimed at reducing the trafficking of illegal narcotics, revenues from which are used to finance terrorism.
- the creation of an international anti-terrorist finance centre, which furthers research, trains national enforcement officials, and serves as a source of co-ordination and mutual assistance.
- the development of tools to increase the transparency of fundraising in the private and charitable sectors through the exchange of best practices.
- the expansion of 'financial intelligence units', which facilitate the effective corporation between government agencies and financial institutions.

Civil Society

The process of building democracy as an antidote to terrorism and violence needs to be supported by the international community and its citizens. We propose:

- The creation of a global citizens network, linking the leaders of civil society at the forefront of the fight for democracy from across the world, taking full advantage of web-based technologies and other innovative forms of communication.
- An 'early warning system' as part of this network, helping to defuse local conflicts before they escalate, as well as providing a channel for moral and material support to civil society groups facing repression.

Taking The Madrid Agenda Forward

The Club de Madrid will present the Madrid Agenda to the United Nations, the forthcoming Community of Democracies ministerial meeting in Chile, as well as other institutions and governments. The Club de Madrid will engage with universities, specialised research institutes and think-tanks to elaborate the proposals made by the Summit's working groups and panels.

The space for dialogue and exchange of ideas opened by this Summit, drawing on the work of the numerous experts, practitioners and policymakers involved, must continue. The papers prepared provide a powerful tool for all those who wish to understand the challenge from terrorism and seek effective solutions.

Keeping in our hearts the memory of the victims of terrorism in different continents, and the terrible attacks in the United States in 2001, we believe it would have both symbolic and practical value to hold a further global conference on September 11, 2006, to take stock of the progress made in realising the Madrid Agenda.

Club of Madrid
Madrid, 11 March 2005

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Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Strengthened and unified security management system for the United Nations: standardized access control

Report of the Secretary-General*

Summary

In his reports A/59/365 and A/59/365/Add.1 on a strengthened and unified security management system for the United Nations, the Secretary-General had proposed the implementation of a standardized access control system at all main duty stations and had requested funding for the design phase of the project. The General Assembly, in section XI of its resolution 59/276 of 23 December 2004, decided to defer its consideration of the proposal until the second part of its resumed fifty-ninth session and requested the Secretary-General to present a detailed report on the access control project for its review at that session. Following a review of the project scope and consultations within the Secretariat, the Secretary-General proposes a revised course of action for implementation of the project.

* The present report is prepared in compliance with section XI of resolution 59/276 of 23 December 2004, following consultations undertaken within the Secretariat.

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1. By section XI of its resolution 59/276 of 23 December 2004, the General Assembly created the new Department of Safety and Security under the direction of the Under-Secretary-General for Safety and Security. The Under-Secretary-General assumed his duties on 28 February 2005. One of the first priorities of the Department was to review the security requirements relating to access control. Consequently, it has been determined that the implementation of a standardized access control system at all main locations would require a high level of integration and coordination, and project management and delivery mechanisms would need to be defined from the inception of the project to ensure its ultimate success.

2. Accordingly, it is intended to establish a project management structure called the "project access control team", with the aim of planning and, in the event the project is later approved by the General Assembly, coordinating the implementation of a comprehensive, fully integrated and standardized access control system, in close consultation with the Office of Central Support Services. The project access control team, to be composed of security specialists from the Department of Safety and Security and professionals from the Office of Central Support Services with expertise in information technology and facilities management, would be accountable and report directly to the Under-Secretary-General for Safety and Security. The team would lead a global, Secretariat-wide working group comprised of all the required disciplines and would be supported by consultants for specific tasks whenever in-house expertise is not available.

3. The project access control team would commence its work by reviewing the study that had been undertaken in preparation of the reports of the Secretary-General (A/59/365 and A/59/365/Add.1), as well as the external validation of the project that had been conducted at the time. Following this review and further studies as may be required, a detailed preliminary design and cost analysis would be undertaken. The proposal would include viable alternatives where possible and assessment of their impact on achieving Headquarters Minimum Operating Security Standards, as well as measures to prevent cost overruns. It is anticipated that the time frame for the planning and preliminary design of the project would be six to nine months. Furthermore, the implementation phase would take 18 to 24 months, for a total project duration of 24 to 33 months. This projected time frame would also be subject to review by the project access control team.

4. Specifically, the preliminary design will encompass solutions for:

- Pass issuance and control
- Individuals' access control
- Vehicle access control
- Perimeter security monitoring
- Response to incidents
- Security Control Centre.

5. A progress report on the project would be submitted to the General Assembly at its sixtieth session. The report would address in detail the request made by the Assembly in section XI, paragraph 44, of its resolution 59/276 regarding the integration of the proposed access control system with projects already approved, its impact on human resources requirements, the individual characteristics of each

United Nations headquarters and main duty stations, the implications of the project for the capital master plan, the operational management of the global identity management system and the timetable for implementation.

6. The project access control team will be set up from within existing resources for the duration of the project. It will be supplemented by additional resources in the amount of up to $180,000 to hire specialized expertise on an as-needed basis. Every effort would be made to accommodate the additional requirements arising from the procurement of outside expertise from within the overall resources approved for the biennium 2004-2005 and proposed in the context of the proposed programme budget for the biennium 2006-2007 under section 33, Department of Safety and Security.

Conclusion and recommendation

7. **The Secretary-General recommends that the General Assembly endorse the course of action proposed in the present report.**

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Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 8 April 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to bring to your attention the recent decision of the European Court of Human Rights (Third Section) as to the Admissibility of Application No. 46347/99 by Myra Xenides-Arestis against Turkey which is available on the website of the Court (http://www.echr.coe.int).*

On 4 November 1998, Ms. Xenides-Arestis had lodged a complaint against Turkey for a continuing violation of her rights under articles 8 of the European Convention on Human Rights and 1 of Protocol No. 1, submitting that since August 1974 she has been deprived of her property rights, all her property being located in the fenced-up area of Famagusta, which is under the occupation and the control of the Turkish military forces. She maintained that the latter prevent her from having access to, from using and enjoying her home and property.

By the said decision, the Court dismissed Turkey's pleas on inadmissibility on the grounds of (a) lack of jurisdiction *ratione temporis* and *ratione loci*, (b) the victim status of the applicant, and (c) the non-exhaustion of domestic remedies, and declared the application admissible.

With regard to Turkey's alleged lack of jurisdiction and responsibility for the acts in respect of which complaint was made, the Court recalled the case of *Loizidou v. Turkey*, in which it rejected Turkey's objection *ratione temporis* recognizing the continuing nature of the violations. Furthermore the Court noted:

> "the Annan Plan would have been a significant development and breakthrough in inter-communal negotiations had it come into force. Consequently no change has occurred since the adoption of the above-mentioned judgements by the Court which would justify a departure from its conclusions as to Turkey's jurisdiction. In this connection, the Court points out, firstly, that the fact that the two communities were treated as having equal status in the negotiations leading up to the referendums, does not entail recognition of the 'TRNC' or confer statehood thereupon. Secondly, the Court observes that the

* A copy of the decision is also available for consultation in the Secretariat, room S-3520.

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respondent Government continue to exercise overall military control over northern Cyprus and have not been able to show that there has been any change in this respect. Thirdly, the fact that the Greek-Cypriots rejected the Annan Plan does not have the legal consequence of bringing to an end the continuing violation of the displaced persons' rights for even the adoption of the plan would not have afforded immediate redress. In the light of the above the Court considers that the Government's pleas on inadmissibility on the grounds of lack of jurisdiction *ratione temporis* and *ratione loci* must be dismissed".

As far as the objections regarding the victim status of the applicant, the Court noted that the applicant had provided the Court with official certificates of ownership from the Department of Lands and Surveys of the Republic of Cyprus proving that she is the owner of the relevant property. Moreover it pointed out that the Government of Turkey had not substantiated their arguments disputing the applicant's victim status. Therefore the relevant objections of the Government of Turkey were also dismissed.

As regards the allegations of non-exhaustion of domestic remedies, the Court pointed out that the so-called Law No. 49/2003 enacted by Turkey's subordinate administration in the occupied part of Cyprus in respect of the purported deprivation of the applicant's property cannot be regarded as an "effective" or "adequate" means for redressing the applicant's complaints. The Court, inter alia, observed that the composition of the so-called compensation commission raises concerns since, in the light of the evidence submitted by the Cypriot Government, the majority of its members are living in houses owned or built on property owned by Greek Cypriots. In this connection, the Court observes that the respondent Government have not disputed the Cypriot Government's arguments on this matter and have not provided any additional information in their written and oral submissions.

The above-mentioned decision of the European Court of Human Rights sheds light on and provides answers to major legal questions inextricably linked with the substance of the Cyprus problem. We therefore earnestly believe that it can contribute in a constructive way and serve as guidance in our efforts to reach a just and lasting settlement of the Cyprus issue.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**